

Docket No.: 062758-0041



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 20277

Yasutaka TSURU, et al. : Confirmation Number: 6010

Application No.: 10/602,919 : Group Art Unit: 2621

Filed: June 25, 2003 : Allowed: December 15, 2008

Examiner: H. R. Jones

For: VIDEO RECORDING/PLAYBACK SYSTEM AND METHOD FOR GENERATING  
VIDEO DATA CAPABLE OF PROVIDING INFORMATION FOR SUBSTITUTING  
AN ADVERTISEMENT THEREBY

**COMMENTS ON STATEMENT OF  
REASONS FOR ALLOWANCE  
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the December 15, 2008 Notice of Allowability regarding the above-identified application. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the reasoning set forth in the Statement, particularly to the extent that the wording used in the Statement differs from the actual claim language and/or the otherwise proper interpretation of the language of respective individual claims.

The Statement sets forth a single rationale for patentability with respect to all of the allowed claims, and in so doing, the Statement repeats the preamble and the last paragraph of system claim 1.

The claims differ as to language and scope; and the Statement overlooks such differences. For example, although there are similarities to claim 1, claim 13 actually is a method claim not a system claim as referred to in the Statement.

The patentable language of the allowed claims is already of record in the case and is adequately clear. Applicants' positions on patentability also are already set forth in the record. At this stage, further repetition of claim language in the Statement adds nothing of any new substance to the record and should not create any narrowing interpretation or estoppel with regard to any of the allowed claims or any of the recitations contained in the allowed claims.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Date: February 18, 2009**

**Please recognize our Customer No. 20277  
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